

REMARKS

Applicant thanks the Examiner for the indication of allowability of claim 36. Favorable consideration and allowance are respectfully requested for claims 35-36, and 41-59 in view of the foregoing amendments and the following remarks.

The Examiner is urged to reconsider the withdrawal of claim 59 as being directed to a non-elected invention. The compounds recited in this claim are all believed to fall within the elected group of compounds, namely Group II, (i.e., tetrahydropyrimidine compounds). Further, claims directed to these compounds appear to have been previously examined in this application, see, for instance, the Office Action dated June, 17, 2004, responsive to the Reply filed March 16, 2004 and claim 36. Accordingly, claim 59 should be considered together with the other presently-pending claims in this application.

Claim 35 is amended to delete certain language from the claim, namely the phrases "excluding dichloronitromethyl" and "an optionally substituted aryl group selected from the group consisting of phenyl and naphthyl, wherein the aryl group is optionally substituted by C₁ - C₄ alkyl group, hydroxyl group, amino group, or halogen atom;."

The rejection of claims 35 and 41-58 under 35 U.S.C. § 112, second paragraph as indefinite for lacking proper antecedent basis is respectfully traversed. As amended, claim 35 no longer includes the objected-to phrase "excluding dichloronitromethyl." Accordingly, this claim is believed to be in allowable form. Claims 41-58 are all dependent, either directly or indirectly, from claim 35 and these dependent claims no longer incorporate this limitation. Reconsideration and withdrawal of this rejection are respectfully requested.

The rejections of claim 35 under 35 U.S.C. § 102 as anticipated by CAPLUS Abstract 101:181274 (1984); claims 35 and 58 as anticipated by

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Roesner et al. U.S. Patent No. 4,156,778; claims 35, 41, 46-49 and 58 as anticipated by Brimblecombe et al. CAPLUS 72:41409 (1970); claims 35 and 58 as anticipated by GB 1,013,441; and claims 35 and 58 as anticipated by Riverdito et al. CAPLUS 115:8219 (1991) are respectfully traversed.

All of these references teach compounds which are phenyl substituted pyrimidines. Claim 35 as been amended to delete the phrase "an optionally substituted aryl group selected from the group consisting of phenyl and naphthyl, wherein the aryl group is optionally substituted by C₁ - C₄ alkyl group, hydroxyl group, amino group, or halogen atom." Accordingly, phenyl is no longer claimed as a substituent and the claims no longer read on the compounds taught in these references. Thus, the references do not anticipate the presently-pending claims. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

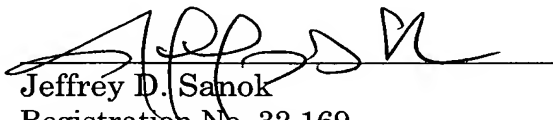
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #100598.50521US).

Respectfully submitted,

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